

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER

vs.

JOHN DOE, a/ka "Wintermute" and
and Does #2-100

CASE NO.: 02-cv-7215

03 JAN 15 PM 3:57
KOTLIKOFF, CLERK

ORDER

AND NOW this _____ day of _____, 2003, upon consideration of
plaintiff's Motion to Compel and responses thereto, it is hereby **ORDERED** that said Motion is
DENIED.

BY THE COURT:

J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER

vs.

JOHN DOE, a/ka "Wintermute" and
and Does #2-100

CASE NO.: 02-cv-7215

RESPONSE OF THE UNIVERSITY OF PENNSYLVANIA
TO THE MOTION TO COMPEL

This is a brief response to Mr. Parker's Motion to Compel. As set forth in my December 18, 2002 letters to the Court and Mr. Parker (attached as Exhibit "A"), the University has complied with the Subpoena by informing Parker and the Court that the University is not in possession of documents or information as to the identity of the senders of the e-mails attached to the Subpoena. Appended as Exhibit "B" are the Affidavits of Mr. Millar and Detective Blackmore, whom Parker asserts have such information. They do not.

There is no further response the University can give to the Subpoena.

Accordingly, the Motion to Compel should be denied.

Respectfully,

DATED: January 15, 2003.

By:

John M. Myers
Attorney I.D. No. 16642

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& Rhoads, LLP
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Philadelphia, PA 19109
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Facsimile No.: (215) 772-7620
Attorneys for THE UNIVERSITY OF
PENNSYLVANIA

EXHIBIT “A”

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
ATTORNEYS AT LAW

JOHN M. MYERS
ATTORNEY AT LAW
ADMITTED IN PENNSYLVANIA

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CHRISTIANA EXECUTIVE CAMPUS
131 CONTINENTAL DRIVE, SUITE 304
NEWARK, DE 19713
302-894-7000
FAX 302-733-7937

December 18, 2002

Hon. James McGirr Kelly
Rm. 8614
U.S. Courthouse
601 Market St.
Philadelphia, PA 19106

Re: Parker v. Doe, AKA Wintermute, 02-cv-7215
Motion to Enforce Subpoenas Duces Tecum on
Nonparty University of Pennsylvania -
Response to the Motion on Behalf of the University of Pennsylvania

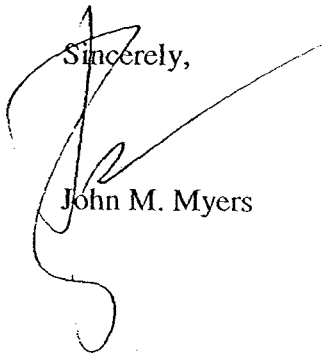
Dear Judge Kelly,

This letter is the University's response to the above motion, filed by letter in the hopes of maintaining reasonable economy in the matter.

Attached is the letter sent this date to the pro se plaintiff. Simply put, the University, which is not a party to this matter, has nothing responsive to the subpoena.

If Mr. Parker does not withdraw his motion based upon this response, or if the Court so directs, the University will file more formal objection to the subpoena, and/or a more formal response to Mr. Parker's motion. By responding to Mr. Parker as we did, we did not intend to waive any of the University's objections or defenses to the subpoena.

Sincerely,


John M. Myers

Hon. James McGrr Kelley
December 18, 2002
Page 2

cc: Gordon Roy Parker
Eric Tilles, Esq.

MONTGOMERY, McCracken, Walker & Rhoads, LLP
ATTORNEYS AT LAW

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December 18, 2002

Gordon Roy Parker
4247 Locust St. #806
Philadelphia, PA 19104

Re: Parker v. Doe, aka Wintermute, 02-cv-7215
Subpoena Directed to Office of General Counsel, University of Pennsylvania

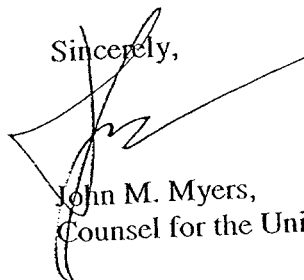
Dear Mr. Parker:

Without waiver of any and all objections to the subpoena, the University of Pennsylvania responds as follows:

The University has no available information from which the identity of the senders of the emails attached to the subpoena could be determined.

Based upon this response, it is my expectation that you will promptly withdraw the Motion to Compel. Should you refuse, the University will assert every available defense and objection to the motion to compel which you have filed.

Sincerely,



John M. Myers,
Counsel for the University

cc: Eric Tilles

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER

vs.

JOHN DOE, a/ka "Wintermute" and
and Does #2-100

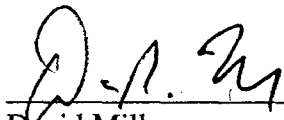
CASE NO.: 02-cv-7215

STATEMENT
OF
DAVID MILLAR

I, David Millar, declare the following:

1. I am the Information Security Officer at the University of Pennsylvania.
2. In that connection, I was asked by University Counsel whether the University has computer information or documents from which the identity the sender of the e-mails attached to the subpoena directed to the University can be determined.
3. The University has no documents or computer records from which the identity of the senders of the e-mails attached to the subpoena could be determined.

Pursuant to 28 USC 1746, I declare under penalty of perjury that the foregoing is true and correct.


David Millar

1/6/03
(date)

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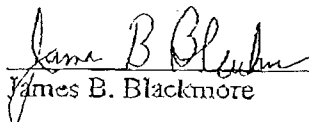
CASE NO.: 02-cv-7215

STATEMENT
OF
JAMES B. BLACKMORE

I, James D. Blackmore, declare the following:

1. I am a Detective in the University of Pennsylvania Department of Public Safety.
2. In that connection, I was involved in the processing of a Complaint by Gordon Roy Parker on September 11, 2000.
3. I was unable to determine the sender of the e-mail about which Mr. Parker complained.
4. Other than the report attached to Mr. Parker's subpoena, a copy of which I have seen, I have no information or paperwork, and am not aware of any held by the University, concerning this incident.

Pursuant to 28 USC 1746, I declare under penalty of perjury that the foregoing is true and correct.

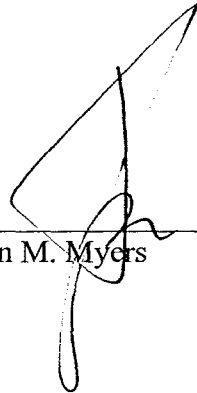

James B. Blackmore

1-6-03
(date)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response of The University of Pennsylvania to the Motion to Compel was served by way of First Class Mail on this 15th day of January, 2003 upon:

Gordon Roy Parker, pro se
4247 Locust Street, No. 806
Philadelphia, PA 19104



John M. Myers